

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

JAN 23 2019

Matthew Zuck
CLERK

UNITED STATES OF AMERICA,

CR 17-50144

Plaintiff,

REDACTED SUPERSEDING
INDICTMENT

vs.

DANA FAULKNER,
a/k/a "Diablo,"

Conspiracy to Distribute Controlled
Substances
(21 U.S.C. §§ 846, 841(a)(1), and
841(b)(1)(A) & (C))

Defendant.

Use of Firearm in Furtherance of
Drug Trafficking Crime
(18 U.S.C. § 924(c)(1)(A)(ii))

Prohibited Person in Possession of
Firearm
(18 U.S.C. § 922(g)(1))

Obstruction of Justice
(18 U.S.C. § 1503)

The Grand Jury charges:

COUNT I

Beginning on a date unknown but no later than on or about May 2017, and continuing through the date of this Superseding Indictment, in the District of South Dakota and elsewhere, the defendant, Dana Faulkner, a/k/a "Diablo," knowingly and intentionally combined, conspired, confederated and agreed with other persons known and unknown to the Grand Jury to knowingly and intentionally distribute and to possess with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of

methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, all in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(A).

COUNT II

Beginning on a date unknown but no later than on or about May 2017, and continuing through the date of this Superseding Indictment, in the District of South Dakota and elsewhere, the defendant, Dana Faulkner, a/k/a “Diablo,” knowingly and intentionally combined, conspired, confederated and agreed with other persons known and unknown to the Grand Jury to knowingly and intentionally distribute and to possess with the intent to distribute one kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, all in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(A).

COUNT III

Beginning on a date unknown but no later than on or about May 2017, and continuing through the date of this Superseding Indictment, in the District of South Dakota and elsewhere, the defendant, Dana Faulkner, a/k/a “Diablo,” knowingly and intentionally combined, conspired, confederated and agreed with other persons known and unknown to the Grand Jury to knowingly and intentionally distribute and to possess with the intent to distribute a mixture or substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of its isomers, a Schedule II controlled substance, all in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C).

COUNT IV

On or about between May 2017 and August 28, 2017, in the District of South Dakota, the defendant, Dana Faulkner, a/k/a “Diablo”, during and in relation to drug trafficking crimes for which he could be prosecuted in a court of the United States, that is, conspiracy to distribute methamphetamine, heroin, and cocaine, did use, possess, brandish, and carry a firearm, all in violation of 18 U.S.C. § 924(c)(1)(A)(ii).

COUNT V

On August 28, 2017, the defendant, Dana Faulkner, a/k/a “Diablo,” in the District of South Dakota, having been previously convicted of a crime punishable by imprisonment of more than one year, did knowingly possess a firearm, namely a Taurus, model PT 24/7 PRO C DS, .40 caliber pistol, bearing serial number SD097005, which had been previously shipped and transported in interstate and foreign commerce, all in violation of 18 U.S.C. § 922(g)(1).

COUNT VI

On or about between September 5, 2017 and September 29, 2017, in the District of South Dakota, the defendant, Dana Faulkner, a/k/a “Diablo”, did endeavor to corruptly influence, obstruct and impede the due administration of justice in *United States v. Faulkner*, 17-CR-50144, in the United States District Court for the District of South Dakota by seeking the location of a witness’s young child to discourage and alter testimony by the witness at such proceeding described above, all in violation of 18 U.S.C. § 1503.

COUNT VII

On or about between September 5, 2017 and April 8, 2018, in the District of South Dakota, the defendant, Dana Faulkner, a/k/a “Diablo”, did endeavor to corruptly influence, obstruct and impede the due administration of justice in *United States v. Faulkner*, 17-CR-50144, in the United States District Court for the District of South Dakota by writing and causing to be delivered letters to witnesses to discourage and alter their testimony at such proceeding described above, all in violation of 18 U.S.C. § 1503.

FORFEITURE ALLEGATION

1. The allegations contained in Count V of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2. Upon conviction of the offense in violation of 18 U.S.C. § 922(g)(1), set forth in Count V of the Indictment, the defendant, Dana Faulkner, a/k/a “Diablo”, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to a Taurus, model PT 24/7 PRO C DS, .40 caliber pistol, bearing serial number SD097005.

All pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

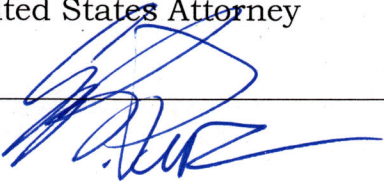
A TRUE BILL

Name Redacted

Foreperson

RONALD A. PARSONS, JR.
United States Attorney

By _____

A handwritten signature in blue ink, appearing to be "R.A. Parsons", written over a horizontal line.